

HOUSE OF REPRESENTATIVES, }
 Thursday, January 24, 1861. }

The House met pursuant to adjournment—roll called—quorum present. Journal of yesterday read, and adopted.

Mr. Buckley presented the memorials of G. W. Glasscock and O. H. Millican.

Mr. Taylor objected to the House receiving said memorial,

under the resolution adopted, refusing to transact any private business, and was sustained by the Speaker.

Mr. Parker, one of the committee on Stock and Stock-raising, reported, recommending the passage of the bill supplementary to an act entitled an act to regulate Estrays, with amendments by the committee. Amended by striking out third section.

Mr. Shannon, chairman of select committee on Indian Affairs, reported, recommending the passage of the bill to provide for the protection of the frontier of the State of Texas, with amendments by the committee.

AMENDMENTS.

Section 1: Strike out "sixty" and insert "forty", and fill the blank, in section 1, with Montague, Jack, Clay, Wise, Young, Parker, Palo Pinto, Johnson, Erath, McLennon, Comanche, Hamilton, Bosque, Coryell, Bell, Lampasas, Brown, San Saba, Llano, Burnett, Gillespie, Bandera, Uvalde, Mason, Medina, Atascosa, Live Oak, Nueces, Starr, Hidalgo, Zapata, Cameron, Webb, El Paso, and other unorganized frontier counties, as soon as organized.

Section 5: After "State," add "and another copy to the Comptroller."

Section 7: Strike out "15", wherever it occurs, and insert "10", and insert, after forward, "immediately."

Section 9: The men called out under the provisions of the act shall, when in actual service, be governed by the rules and articles of war governing the army of the United States, wherever applicable, and when not in actual service, by such by-laws and regulations as they may make; not being inconsistent with the Constitution or laws of this State.

Section 10: Insert "Sec. 9."

Mr. Bogart gave notice that he would protest against the action of the House on his resolution, declaring the proper mode of State secession.

Mr. Davis, of H., offered the following resolution:

Resolved, That his Excellency, the Governor, be requested to transmit to this House the correspondence between himself and

the Comptroller of this State upon all matters connected with his office. Laid over one day for consideration.

Mr. Dennis introduced a bill to prescribe the order in which cases shall be determined in the Supreme Court. Read first and second times, and referred to Judiciary committee.

Mr. Hancock introduced a bill to amend an act entitled an act to regulate the descent and distribution of intestates estates, approved March 18, 1848. Read first and second times, and referred to Judiciary committee.

Mr. Hubert introduced a bill to be entitled an act for the relief of the debtors of the State of Texas. Read first and second times, and referred to Judiciary committee.

Mr. Crooks offered the following resolution:

Resolved, That the committee on Military Affairs be requested to inquire into the expediency of arming and equipping military companies that are organized or may be organized hereafter in the State, and that they report by bill or otherwise.—
Adopted.

A message was received from the Senate, informing the House that the Senate had passed the House's bill making an appropriation for the mileage and the per diem pay of the members of the "Extra Session" of the Eighth Legislature, with amendment by the Senate. Amendment—Insert, after "dollars", in second line, the words, "or so much thereof as may be necessary": Also, had passed a bill to define the time of holding Courts in the Nineteenth Judicial District.

Mr. Taylor offered the following resolution:

Resolved, That the Governor be requested to inform this House, as early as possible, what sum per annum will be necessary to maintain Texas as an separate nation. Laid over one day for consideration.

Mr. Ellett offered the following resolution:

Resolved, That we unhesitatingly repudiate and denounce the idea of any number of counties, through the agency of the State Convention, or otherwise, have any constitutional authority to coerce any county or counties, after they have dissolved their connection with the said government, and that any attempt on the part of the State Convention to use force against a seceding county or counties is a tyrannous usurpation of power, striking at the heart of the existence of the sovereignty of the people, tending to our subjugation and conquest, and will be resisted at all hazards, and to the last extremity.

On motion of Mr. Buckley, the Resolution was rejected, by the following vote, Mr. Buckley calling for the yeas and nays:

Yeas—Messrs. Speaker, Anderson, Armstrong, Barclay, Baxter, Benivedes, Billingsly, Bogart, Branch, Bryan, Buckley, Caddell, Camp, Craig, Crooks, Clark, Cumby, Dale, Darnell, Daniels, Davis of B., Davis of H., Dickson, Dennis, Dougherty, Duncan, Edwards, Flewellen, Francis, Franklin, Foscue, Hancock, Hall, Harrison of C., Harrison of V. Z., Hartley, Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewter, Lynch, Mabry, Maverick, Maxey, Morris, Middleton, Mills, Munson, Nelson, Parker, Perry, Redgate, Redwine, Robinson, Ross, Rose, Shannon, Shelton, Speights, Stewart, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham, and Wrede—69.

Nays—Messrs. Ellett, Epperson, Henry, Norton, Owens, Taylor, and Whitmore—7.

Mr. Lewis, of M., presented a memorial of sundry citizens of Montgomery county. Referred to committee on Federal Relations.

Mr. Haynes introduced a bill to provide for a regular standing force to garrison and defend the Rio Grande frontier. Read first and second times, and referred to committee on Military Affairs.

ORDERS OF THE DAY.

The House's Bill, making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers of the Extra Session of the Eighth Legislature, with amendments by the Senate, was taken up, and the amendments concurred in.

The motion of Mr. Henry to add Mr. Hancock to the committee on Federal Relations, pending when the House adjourned yesterday, was considered and carried.

The report of the Judiciary committee, asking to be discharged from further consideration of the Resolution requiring said committee to inquire whether or not any members of this House are disqualified from taking their seats, was taken up and adopted.

The report of the committee on Judiciary, asking to be discharged from further consideration of the petition of sundry citizens of Kaufman county, protesting against the Hon. A. B. Norton's taking his seat, was taken up and adopted.

The hour having arrived, the special order, viz., the report from committee on Federal Relations, asking that the Resolution referred to said committee, touching our relations with the Federal Government, be laid on the table, and reporting a series of resolutions relative to the same subject, was taken up.

The question being the adoption of the report of the committee, which recommended the tabling of the Resolution, referred, the Speaker decided that the question, under the rules of the House, was not debatable.

Mr. Taylor appealed from the decision of the Chair, and on said motion moved a call of the House, which was seconded. Absentees—Messrs. Culberson, Kinney, Lewis of R., Manley, Martin, Pirkey, Short, and Smith.

Mr. Hartley offered the following resolution:

Resolved, by the Legislature of the State of Texas, that all political power is inherent in the people, and that they have a right to alter, reform, or abolish, their form of government, in such manner as they may think expedient; and that we recognize the call, and election by the people, of a convention of delegates, to assemble in the City of Austin, on or about the twenty-eighth day of this month, to take into consideration the expediency of altering our present form of government, as the legitimate exercise of this right. That we believe that the peace, the safety, and the preservation of the rights and liberties of the people of the State of Texas, demand her secession from the Federal Union, known as the United States of America. That, in the opinion of this Legislature, whatever action is taken by said convention of delegates should be submitted to the people of the State for their ratification, or rejection by a direct vote of the qualified electors of the State for members of the Legislature.

On motion of Mr. Davis, of Hays, referred to committee on Federal Relations.

On motion of Mr. Nelson, the rule was suspended, and the Senate's bill to define the time of holding courts in the Nineteenth Judicial District, was taken up and read first and second times.

On motion of Mr. Nelson, the rule was further suspended, and passed to third reading.

On motion of Mr. Nelson, the rule was further suspended, bill read third time, and passed.

Mr. Lewis, of M., moved to suspend call of House. Lost.

Mr. Shannon moved to suspend rule, and take up the bill to provide for the protection of the frontier.

On motion of Mr. Henderson, a call of the House was ordered. Absentees—Messrs. Culberson, Kinney, Lewis of R., Manly, Martin, Pirkey, Short and Smith.

Mr. Flewellen moved to excuse the absent members from attendance on the House.

On motion of Mr. Haynes, a call of the House was ordered, by the following vote; Mr. Dougherty, calling for the yeas and nays:

Messrs. Armstrong, Benevides, Bogart, Camp, Clark, Davis of H., Ellett, Epperson, Hancock, Haynes, Henry, Mundine, Navarro, Owens, Taylor, Whitmore and Wrede—17.

Nays—Messrs. Anderson, Barclay, Baxter, Billingsly, Branch, Buckley, Caddell, Craig, Crawford, Crooks, Cumby, Dale, Darnell, Daniel, Davis of B., Dennis, Dickson, Dougherty, Duncan, Edwards, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Hartley, Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewter, Lynch, Maverick, Maxey, Morris, McCutcheon, Middleton, Mills, Munson, Nelson, Parker, Perry, Redwine, Ross, Rose, Shannon, Shelton, Speights, Stewart, Wælder, Walworth, Warfield, Waterhouse, Whitfield, and Wortham—57.

Mr. Davis, of Bastrop, reported as follows:

The special committee, to whom was referred a resolution respecting the death of the late Dr. J. H. Barnard, member from Goliad, have had the same under consideration, and instruct me to report the following resolutions:

1. *Resolved*, That we have learned, with regret, the death of our friend and fellow-member, Dr. J. H. Barnard, and that in his death the country has lost a worthy and honorable citizen; a friend of Liberty and Freedom. That we unite our grief with that of the family of the deceased, tendering them our sympathy in their deep grief.

2. *Resolved*, That we hold his memory in veneration and esteem, because of his unsullied character in public and private life, and because of his patriotic services in the struggle for Texas Independence.

3. *Resolved*, That a copy of these Resolutions be forwarded to the family of deceased by the Speaker, and that the House wear the usual badge of mourning, for thirty days, in memory of the deceased.

Respectfully submitted.

B. H. Davis, chairman, Eli Baxter, T. J. Crooks, J. Hall, and T. H. Mundine.

Report received.

Mr. Stewart moved to suspend rule fifty-six, which allows fifteen members to keep up a call of the House.

[Mr. Henderson in the Chair.]

Mr. Taylor moved a call of the House on Mr. Stewart's motion.

The Chair decided the motion out of order.

Mr. Davis, of H., appealed from the ruling of the Chair.

The House sustained the ruling of the Chair. The question then recurring upon the motion to suspend the fifty-sixth rule, the same was put, (the yeas and nays being called for by Mr. Davis of H.,) and stood as follows:

Yeas—Messrs. Anderson, Barclay, Baxter, Billingsly, Bryan, Camp, Craig, Crawford, Crooks, Cumby, Dale, Darnell, Daniels, Davis of B., Dennis, Dickson, Duncan, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Hartley, Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewter, Lynch, Maverick, Maxey, Morris, McCutcheon, McKnight, Middleton, Mills, Munson, Nelson, Parker, Perry, Redwine, Robinson, Ross, Rose, Shannon, Shelton, Speights, Stewart, Wælder, Walworth, Wafield, Waterhouse, Whitefield, and Wortham—56.

Nays—Messrs. Armstrong, Bogart, Branch, Buckley, Cadell, Clark, Davis, of H., Dougherty, Edwards, Ellett, Epper-son, Hancock, Haynes, Henry, Mabry, Mundine, Navarro, Owens, Redgate, Whitmore, and Wrede—21.

So the House suspended the rule.

On motion of Mr. Dickson, the rule forbidding debate on a question to lay on the table, was suspended, as far as it applied to the question before the House.

Mr. Crooks, chairman of the committee on Engrossed Bills, reported the following bills:

An Act directing how the proceeds of the sale of the University Lands, now in the Treasury, shall be applied; and An Act making an appropriation to pay the mileage and per diem of the Presidential Electors, and find the same engrossed.

On motion, the House adjourned until ten o'clock to-morrow, A. M.

HOUSE OF REPRESENTATIVES. }
Friday, Jan., 25th, 1861. }

The House met pursuant to adjournment—roll called—quorum present—journal of yesterday read and adopted.

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled and properly signed:

A Bill making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers of the extra session of the eighth Legislature.